

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 35423 of 2004(P)

PETITIONERS:

- 1. THOMAS THOMAS (EMPLOYED AS DHOBIS
POWER LAUNDRY OF THE MEDICAL COLLEGE HOSPITAL,
KOTTAYAM), MUTTATH MALIYIL, ARPOOKKARA WEST P.O.,
KOTTAYAM.**
- 2. SUKUMARAN K.V (-DO- -DO-),
PRAPPUZHACHIRAYIL, ARPOOKKARA WEST P.O., KOTTAYAM.**
- 3. SYAMALAMMA K.V. (-DO- -DO-),
PANAMTHANAM, VILLOONNY P.O., KOTTAYAM.**
- 4. CHELLAMMA P.V. (-DO- -DO-)
PANAYATHIL, VILLOONNY P.O., KOTTAYAM.**
- 5. MARYKUTTY VARKEY @ MARIAM (-DO- -DO-),
KADAVUNKAL, MURICKAL, ARPOOKKARA WEST, KOTTAYAM.**
- 6. AMMINI A.M. (-DO- -DO-)
ANJANAMKUZHIYIL, ARPOOKKARA EAST P.O.,KOTTAYAM.**
- 7. JANSAMMA LUCKOSE (-DO- -DO-)
MLAMKUZHY PUTHENPURA, ATHIRAMPUZHA P.O.,
KOTTAYAM.**
- 8. UISHAKUMARY K.A. (-DO- -DO-)
KAKKASSERIYIL, GANDHINAGAR P.O., KOTTAYAM.**
- 9. SARASAMMA P.G. (-DO- -DO-)
KAKKASSERIYIL, GANDHINAGAR P.O., KOTTAYAM.**
- 10. VIJAYAMMA P.N. (-DO- -DO-)
SOMASADANAM, VELLOOR P.O., PAMPADY, KOTTAYAM.**

BY ADV. SRI.K.GOPALAKRISHNA KURUP

(.....2)

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HEALTH AND FAMILY
WELFARE DEPARTMENT, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT MEDICAL OFFICER,
KOTTAYAM, OFFICE OF THE D.M.O., COLLECTORATE,
KOTTAYAM.**
- 3. THE SUPERINTENDENT,
MEDICAL COLLEGE HOSPITAL, ARPOOKKARA, KOTTAYAM.**

BY GOVERNMENT PLEADERSHRI.BIJOY CHANDRAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.K.DENESAN, J.

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W.P. (C) .No.35423 OF 2004-P.
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Dated this the 8th day of February, 2007.

J U D G M E N T

The petitioners contend that for the simple reason that they were working on daily wages under the respondents, they shall not be excluded from the process of consideration for appointment to a similar post along with those who may be sponsored by the Employment Exchange. This Court passed interim order on 21-12-2004 as follows:

"Notice before admission by speed post. There shall be an interim direction that if the respondents propose to engage daily wage hands before appointing any P.S.C. hands or candidates sponsored by the Employment Exchange hands, preference shall be given to the petitioners and similarly situated persons who were working on daily wage basis in the establishment of the respondents."

Consequently, when the matter came up once again before this Court, another interim order dated 20-2-2006 was passed in the following manner:

"Heard. The petitioners are casual workers, engaged on daily wage basis by the 3rd respondent. They submit, regular selection to the Part-time post of Sweeper is going to be made. They may also be considered. The learned Govt. Pleader submits that regular selection can be made only from among the candidates sponsored by the Employment Exchange. The petitioners submit,

since they are engaged on daily wage basis, they may not be sponsored by the Employment Exchange.

If the petitioners are eligible to be sponsored by the Employment Exchange, by virtue of their seniority, they shall be sponsored, notwithstanding the fact that they are engaged on daily wage basis. The petitioners shall produce this order before the concerned Employment Officer."

2. Counsel for the petitioners submits that in the case of similarly situated persons, this Court directed the respondents to consider the case of those persons and to interview them along with the persons who are sponsored by the Employment Exchange and that the petitioners are entitled for similar reliefs, notwithstanding the fact that the petitioners have not been sponsored by the Employment Officer.

3. Government Pleader submits that the interview is already over, and therefore, one more interview cannot be conducted for these petitioners alone. They stand on a different footing. The petitioners' case need be considered by the respondents only on the basis of interim order dated 20-2-2006 which was the binding order as on the date of the interview. The petitioners did not challenge the order they had thus secured. While that order remained in force, that means, during the currency of that order, the interview has taken place.

4. This Court is not justified in directing the authority to go on conducting interviews as and when persons who want to be considered for appointment seek such directions. I feel that the respondents cannot be found fault with, for taking action as directed by this Court in the order passed on 20-2-2006. They could have interviewed the petitioners also along with others, if only the interim order was modified permitting them to conduct the interview de hors the list of candidates furnished by the Employment Officer.

The writ petition is, therefore, dismissed.

K.K.DENESAN, JUDGE.

kvs/-